

MICHAEL F. HERTZ  
Deputy Assistant Attorney General

JOSEPH P. RUSSONIELLO (CA Bar No. 44332)  
United States Attorney  
JOANN M. SWANSON (CA Bar No. 88143)  
Chief, Civil Division  
SARA WINSLOW (DC Bar No. 457643)  
JULIE A. ARBUCKLE (CA Bar No. 193425)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6925 (Winslow)  
(415) 436-7102 (Arbuckle)  
Facsimile: (415) 436-6748  
[sara.winslow@usdoj.gov](mailto:sara.winslow@usdoj.gov)  
[julie.arbuckle@usdoj.gov](mailto:julie.arbuckle@usdoj.gov)

JOYCE R. BRANDA  
PATRICIA R. DAVIS  
RENÉE S. ORLEANS  
Attorneys  
Civil Division  
United States Department of Justice  
P.O. Box 261  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 514-4504  
Facsimile: (202) 305-4117  
[renee.orleans@usdoj.gov](mailto:renee.orleans@usdoj.gov)

Attorneys for the United States of America

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

UNITED STATES *ex rel.* JEFFREY A. SMITH, )  
Plaintiff, )  
v. )  
SCIOS, INC. and JOHNSON & JOHNSON, )  
Defendants. )

No. C 05-4055 CRB

**UNITED STATES' AND RELATOR'S  
STIPULATION OF DISMISSAL;  
~~PROPOSED~~ ORDER**

1 Subject to the Court's approval, Plaintiff-Relator Jeffrey A. Smith and the United  
2 States of America hereby stipulate to the dismissal of this action without prejudice under Fed. R.  
3 Civ. P. 41(a)(1). No answer has been served or filed, and no parties other than the United States  
4 and the Relator have appeared in this action.

5 Respectfully submitted,

6 MICHAEL F. HERTZ  
7 Deputy Assistant Attorney General

8 JOSEPH P. RUSSONIELLO  
9 United States Attorney

10 Dated: May 13, 2009

By:

Sara Winslow  
11 SARA WINSLOW  
12 JULIE A. ARBUCKLE  
13 Assistant United States Attorneys

14 Dated: May 13, 2009

By:

Joyce R. Branda  
15 JOYCE R. BRANDA  
16 PATRICIA R. DAVIS  
17 RENEE S. ORLEANS  
18 Civil Division, U.S. Department of Justice

19 Attorneys for the United States

20 BREMER WHYTE BROWN & O'MEARA LLP

21 Dated: May 12, 2009

By:

Kenneth G. Bremer  
22 KENNETH G. BREMER  
23 Attorney for *Qui Tam* Plaintiff Jeffrey Smith

24 **PROPOSED ORDER**

25 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that this action is  
26 dismissed without prejudice under Fed. R. Civ. P. 41(a)(1).

27 IT IS SO ORDERED.

Dated: May 14, 2009

HON. CH. BRYER  
United States District Court  
Northern District of California

IT IS SO ORDERED

Charles R. Breyer  
Judge Charles R. Breyer